

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	*	CASE NO. 1:23CR462-1
Plaintiff	*	
-vs-	*	JUDGE BENITA PEARSON
MALACHI BERRY	*	
Defendant	*	<u>MOTION FOR CONTINUANCE</u>
	*	<u>OF SENTENCING</u>
	* * *	

Now comes the Defendant, Malachi Berry, by and through undersigned counsel, and respectfully moves this Court for an order continuing the sentencing now scheduled for Thursday, January 16, 2025. For cause, undersigned counsel began a jury trial in *State of Ohio v. Sirvante Suggs*, Case No. CR 2023 12 4220A, before Judge Kelly McLaughlin in Summit County Common Pleas Court on January 6, 2025, and despite counsel's best efforts, closing argument and charge are now scheduled to begin on Thursday, January 16, 2025. Therefore, undersigned counsel is not available as presently scheduled herein.

Due to undersigned counsel's trial, counsel has been unable to communicate with the AUSA regarding potential new dates for sentencing. Counsel will do so and file a supplemental motion as soon as possible.

Respectfully submitted,

/S/ JOHN W. GREVEN  
JOHN W. GREVEN #0063421  
Attorney for Defendant  
159 South Main Street, Suite 401  
Akron, Ohio 44308  
330-253-7171 - 330-253-7174 fax  
burdon-merlitti@neo.rr.com

PROOF OF SERVICE

I hereby certify that on January 15, 2025, a copy of the foregoing Motion for Continuance of Sentencing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/S/ JOHN W. GREVEN

JOHN W. GREVEN

Attorney for Defendant